

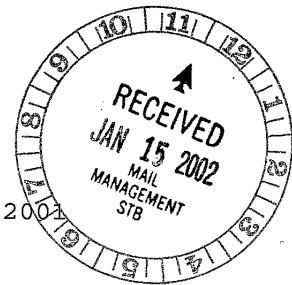
The Law Office of John D. Heffner

555 12th Street, N.W.
Suite 950 North
Washington, D.C. 20004
(202) 737-4335 TELEFAX (202) 371-2240

ORIGINAL

204451

October 11, 2001



Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street
Washington, D.C. 20423-0001

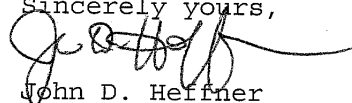
RE: STB FD No. 34103, New Mexico Gateway Railroad
Limited Liability Company -- Operation Exemption

Dear Mr. Williams:

On behalf of Applicant New Mexico Gateway Railroad Limited Liability Company, I am filing for the Board's records an original signed copy of the Certification and Verification signed by its Managing Member Daniel B. Clemmer. Applicant had included a fax copy of these documents in its Verified Notice of Exemption filed with the Board in the above-captioned proceeding on October 7, 2001.

Please date stamp and return one copy of these documents for our records.

Sincerely yours,


John D. Heffner

Enclosures

cc: Mr. Daniel B. Clemmer
Mr. Eyal Shapira
John Flanigan, Esq.

ENTERED
Office of the Secretary

JAN 16 2002

Part of
Public Record

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Office of the Secretary

JAN 17 2002

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Public Record

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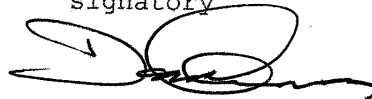
Part of
Public Record

CERTIFICATION

City of OAKHAM)
) ss.
State of MA)

I, DANIEL B. CLEMMER, Managing Member of the
NEW MEXICO GATEWAY ^{RAILROAD} (" LLC ") hereby certify under penalty of
perjury that the projected annual revenues of NMGR in the
aggregate, will not exceed \$5,000,000.00, and that NMGR will be
a Class III rail carrier as set forth at 49 CFR 1201 (1-1) (a).
Further, I certify that I am qualified and authorized to make
this certification on behalf of NMGR.

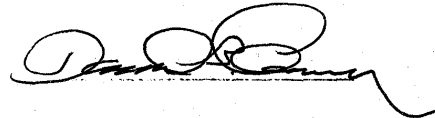
signatory



VERIFICATION

STATE OF MA)
) SS
CITY OF MALDEN)

DANIEL B. CLEMMER being duly sworn according to law, hereby deposes and states that he is authorized to make the Verification, has read the foregoing document, and knows the facts asserted therein are true and accurate as stated, to the best of his knowledge, information and belief.



Subscribed and sworn to before me, a Notary Public, in and for the City of Malden in the State of Massachusetts this 4th day of October, 2001.

Kathleen M. Carlotto
Notary Public

My Commission expires:

12/30/05